

### **Remarks**

Reconsideration of the above-identified patent application in view of the remarks following is respectfully requested.

Claims 21-48 are currently pending in this application. Claims 21-48 have been rejected under 35 USC § 103(a). Independent claims 21, 35, and 42 have been amended.

The claims before the Examiner are directed toward a data access engine, computerized system, and method for increasing a level of efficiency of a network server. A data access engine located in first data processing machine is capable of communication with at least one pseudo server located in a second data processing machine (for example, a LAN server). The physical separation between data access engine and the server logic and user interface of pseudo server is a distinguishing characteristic of the invention. Any request for a subset of data stored in data access engine must be routed through at least one pseudo server.

### **§112, Fourth Paragraph Rejections**

The Examiner has rejected claims 22-27 and 43-48 under 35 USC §112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends, or for failing to include all the limitations of the claim upon which it depends.

As the Examiner has suggested, the Applicant has amended the claims to place the claims in proper dependent form. Specifically, the specific component of the system “The server-side data processing machine” has been changed to “The system” to include all the limitations of the claim upon which it depends.

### **§112, First Paragraph Rejections**

The Examiner has rejected claims 35-41 under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

In the USPTO rejection mailed 22 October 2009, the Examiner suggested amendments to claim 35 for this claim to be allowable. These amendments were made in our response submitted 10 March 2010. It is not clear why a claim that is in

accordance with the Examiner's suggestion for being allowed has been subsequently rejected by the Examiner.

Regarding support for the clarification of this claim in our response submitted 28 March 2011, as stated in that response support can be found **at least** on page 8, lines 16 and 19-20. Regarding line 16: "Requests are implemented by data access engine **22**", at least this line of the specification is for support of **where** handling of the requests is implemented. At least lines 19-20 are for support of **how** the request is implemented: a "network request", or simply "request" is "...honored **50** if [the network request] is routed through a pseudo server **28** and denied **52** if [the network request] is not routed through the pseudo server."

To further clarify claim 35 in the current response, the claim has been amended to recite that the data-access engine denies all network requests unless the network requests are data requests. Data requests, by definition, have been routed through a pseudo-server. General network requests may be of any type, specifically including malicious requests intended for unauthorized access to data on the server-side data-processing machine.

Note that the claims generally use the term "network requests" while the specification generally uses the term "requests" to refer to general requests of any type. The use and appropriate equivalency of these terms is implicit in the current application, as will be obvious to one skilled in the art.

As independent claim 35 is in accordance with the Examiner's suggestion for being allowed, prompt notice of the allowability of independent claim 35, and dependent claims 36-41 which depend therefrom, is respectfully requested.

#### **§112, Second Paragraph Rejections**

The Examiner has rejected claims 21-27, 32, 34, 39, 41, and 43-48 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 21 and 42 and have been amended to be consistent with the wording of independent claims 28 and 35, which the Examiner has not rejected. With independent claims 21 and 42 allowable, respective dependent claims 22-27 and 43-48 which depend therefrom are allowable.

Claims 25, 32, and 46 have been amended to correct obvious typographical errors, as there is only one previous use of “data requests” in the respective claims.

Claims 27 and 48 have been amended to clarify that said server-logic module and said user interface are for respectively fulfilling logic requests and user interface requests, which is consistent with the corresponding independent claims from which they depend.

Similarly, claims 34 and 41 have been amended to clarify that the requests are respectively fulfilled.

Claim 35 has been amended to clarify that the data-access engine may receive a variety of network requests. The data-access engine will deny all network requests unless the network request is a data request from said client-side data-processing machine that has been routed through one of the pseudo servers. With independent claims 35 allowable, dependent claims 36-41 which depend therefrom are allowable.

Claim 39 has been amended to correct the typographical error regarding the step of “fulfilling” and correctly reference the step in claim 35 of “installing a data-access engine”, which is consistent with claims 25, 32, and 46.

#### **§ 103(a) Rejections**

The Examiner has rejected claims 21-22, 26-29, 33-34, 42-43, and 47-48 under §103(a) as being unpatentable over Vermeulen US 2001/0042171 A1 (henceforth “Vermeulen”) in view of Vasudevan US patent publication number 2004/0267965 (henceforth “Vasudevan”). The Examiner’s rejection is respectfully traversed.

Vermeulen teaches a method for loading files from a distributed file system into a client. A cache memory is provided for temporarily storing previously loaded files in order to expedite renewed access to the same file. A hash code is used to determine if the file is already in the cache.

Vasudevan teaches a method for delivering content to be rendered by multiple devices. Vasudevan discloses a “multi-device proxy server” as a gateway between the client rendering devices and content servers on a network. The multi-device proxy server determines a mapping from the content requested by the user to the user’s client devices (see Vasudevan paragraphs [0032], [0041], and elsewhere). While client devices may send user preferences to the multi-device proxy server, and the multi-device proxy server may launch applications on the client devices, the prior

art user interfaces of Vasudevan are on the client devices (see at least [0101] and [0105]).

Optionally, the multi-device proxy server may modify the content being delivered from the content servers to the client rendering devices using “wormhole mechanisms” or simply “wormholes”. As Vasudevan teaches in paragraph [0164], “a wormhole may be an ...indicator within the content rendered on the user’s device...”. In other words, a wormhole is a mechanism that is used by a user interface, in contrast to the user interface itself.

The Examiner’s partial quote in paragraph 16, page 8 of the current office action of Vasudevan paragraph [0166] fails to include the significant word “mechanism” when describing wormholes as a “user interface mechanism”. Wormholes are one modification of the content which has been received by the multi-device proxy server for subsequent transfer to, and rendering on, a user’s device.

As the user interfaces of Vasudevan are on the client devices, neither Vermeulen nor Vasudevan teaches a configuration with a user interface on a server, as claimed in the current invention. The teachings disclosed in Vasudevan cannot be added to the teachings of Vermeulen’s Proxy server to teach the configuration of the current invention.

The Examiner admits in the current office action in paragraph 16 on page 7, that Vermeulen does not teach a user interface on a pseudo server. The Examiner brings Vasudevan to teach a user interface on a pseudo server. However, as described above, the teachings of Vasudevan do not include a user interface on the pseudo server (multi-device proxy server). Thus the combination of Vermeulen and Vasudevan does not include the limitation of a pseudo server including a server-logic module and a user interface (UI).

Independent claims 21, 28, and 42 could be deemed unpatentable over Vermeulen in view of Vasudevan only if those documents taught or suggested every limitation recited in those claims. As the Board of Patent Appeal and Interferences has recently confirmed in *In re Wada and Murphy*, Appeal 2007-3733,

When determining whether a claim is obvious, an examiner must make “a searching comparison of the claimed invention – including all its limitations – within the teaching of the prior art”. *In re Orchiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis added). Thus, “Obviousness requires a suggestion of all limitations in a claim.”

*CFMT, Inc. v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003) (citing *In re Royka*, 490 F.2d 981, 985 (CCPA 1974)).

In fact, claims 21 and 28 recite limitations that are not taught or suggested in the cited references.

**Other amendments to the claims**

Independent claims 21, 28, and 35 have been amended to clarify that the pseudo server machine is separate from the server-side data processing machine. Support can be found at least on page 5 lines 24-26.

In view of the above amendments and remarks it is respectfully submitted that independent claims 21, 28, 35, and 42, and hence dependent claims 22-27, 29-34, 36-41, and 43-48 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Date: December 1, 2011